

BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

KATHERINE LEE MALONEY
a.k.a. KATHERINE LEE TRANTER
1380 Chaney Street
El Cajon, CA 92020

Registered Nurse License No. 572927

Respondent

Case No. 2012-722

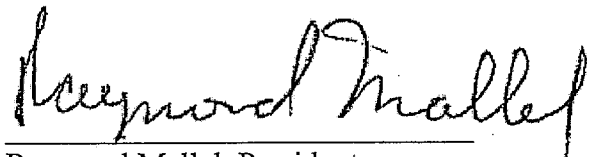
OAH No. 2012060820

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **April 19, 2013.**

IT IS SO ORDERED **March 20, 2013.**



Raymond Mallel, President
Board of Registered Nursing
Department of Consumer Affairs
State of California

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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11
12 In the Matter of the Accusation Against:

13 **KATHERINE LEE MALONEY, AKA**
14 **KATHERINE LEE TRANTER**
15 **1380 Chaney Street**
El Cajon, CA 92020

16 **Registered Nurse License No. 572927**

17 Respondent.

Case No. 2012-722

OAH No. 2012060820

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

18
19
20 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
21 entitled proceedings that the following matters are true:

22 **PARTIES**

23 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Executive Officer of the Board of
24 Registered Nursing. She brought this action solely in her official capacity and is represented in
25 this matter by Kamala D. Harris, Attorney General of the State of California, by Nicole R. Trama,
26 Deputy Attorney General.
27
28

1 2. Respondent Katherine Lee Maloney, aka Katherine Lee Tranter (Respondent) is
2 representing herself in this proceeding and has chosen not to exercise her right to be represented
3 by counsel.

4 3. On or about October 13, 2000, the Board of Registered Nursing issued Registered
5 Nurse License No. 572927 to Katherine Lee Maloney, aka Katherine Lee Tranter (Respondent).
6 The Registered Nurse License was in full force and effect at all times relevant to the charges
7 brought in Accusation No. 2012-722 and will expire on December 31, 2013, unless renewed.

8 **JURISDICTION**

9 4. Accusation No. 2012-722 was filed before the Board of Registered Nursing (Board),
10 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
11 and all other statutorily required documents were properly served on Respondent on January 1,
12 2012. Respondent timely filed her Notice of Defense contesting the Accusation.

13 5. A copy of Accusation No. 2012-722 is attached as exhibit A and incorporated herein
14 by reference.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, and understands the charges and allegations in
17 Accusation No. 2012-722. Respondent has also carefully read, and understands the effects of this
18 Stipulated Settlement and Disciplinary Order.

19 7. Respondent is fully aware of her legal rights in this matter, including the right to a
20 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
21 her own expense; the right to confront and cross-examine the witnesses against her; the right to
22 present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
23 compel the attendance of witnesses and the production of documents; the right to reconsideration
24 and court review of an adverse decision; and all other rights accorded by the California
25 Administrative Procedure Act and other applicable laws.

26 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.
28

CULPABILITY

9. Respondent admits the truth of each and every charge and allegation in Accusation No. 2012-722 .

10. Respondent agrees that her Registered Nurse License is subject to discipline and she agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Registered Nursing. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Registered Nursing may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

14. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Registered Nurse License No. 572927 issued to Respondent Katherine Lee Maloney, aka Katherine Lee Tranter (Respondent) is revoked.

However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

Severability Clause. Each condition of probation contained herein is a separate and distinct condition. If any condition of this Order, or any application thereof, is declared unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other applications thereof, shall not be affected. Each condition of this Order shall separately be valid and enforceable to the fullest extent permitted by law.

1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and detailed account of any and all violations of law shall be reported by Respondent to the Board in writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within 45 days of the effective date of the decision, unless previously submitted as part of the licensure application process.

Criminal Court Orders: If Respondent is under criminal court orders, including probation or parole, and the order is violated, this shall be deemed a violation of these probation conditions, and may result in the filing of an accusation and/or petition to revoke probation.

2. **Comply with the Board's Probation Program.** Respondent shall fully comply with the conditions of the Probation Program established by the Board and cooperate with representatives of the Board in its monitoring and investigation of the Respondent's compliance with the Board's Probation Program. Respondent shall inform the Board in writing within no more than 15 days of any address change and shall at all times maintain an active, current license status with the Board, including during any period of suspension.

Upon successful completion of probation, Respondent's license shall be fully restored.

3. **Report in Person.** Respondent, during the period of probation, shall appear in person at interviews/meetings as directed by the Board or its designated representatives.

1 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or
2 practice as a registered nurse outside of California shall not apply toward a reduction of this
3 probation time period. Respondent's probation is tolled, if and when she resides outside of
4 California. Respondent must provide written notice to the Board within 15 days of any change of
5 residency or practice outside the state, and within 30 days prior to re-establishing residency or
6 returning to practice in this state.

7 Respondent shall provide a list of all states and territories where she has ever been licensed
8 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide
9 information regarding the status of each license and any changes in such license status during the
10 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing
11 license during the term of probation.

12 5. **Submit Written Reports.** Respondent, during the period of probation, shall submit
13 or cause to be submitted such written reports/declarations and verification of actions under
14 penalty of perjury, as required by the Board. These reports/declarations shall contain statements
15 relative to Respondent's compliance with all the conditions of the Board's Probation Program.
16 Respondent shall immediately execute all release of information forms as may be required by the
17 Board or its representatives.

18 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every
19 state and territory in which she has a registered nurse license.

20 6. **Function as a Registered Nurse.** Respondent, during the period of probation, shall
21 engage in the practice of registered nursing in California for a minimum of 24 hours per week for
22 6 consecutive months or as determined by the Board.

23 For purposes of compliance with the section, "engage in the practice of registered nursing"
24 may include, when approved by the Board, volunteer work as a registered nurse, or work in any
25 non-direct patient care position that requires licensure as a registered nurse.

26 The Board may require that advanced practice nurses engage in advanced practice nursing
27 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

28 If Respondent has not complied with this condition during the probationary term, and

1 Respondent has presented sufficient documentation of her good faith efforts to comply with this
2 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
3 extension of Respondent's probation period up to one year without further hearing in order to
4 comply with this condition. During the one year extension, all original conditions of probation
5 shall apply.

6 **7. Employment Approval and Reporting Requirements.** Respondent shall obtain
7 prior approval from the Board before commencing or continuing any employment, paid or
8 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all
9 performance evaluations and other employment related reports as a registered nurse upon request
10 of the Board.

11 Respondent shall provide a copy of this Decision to her employer and immediate
12 supervisors prior to commencement of any nursing or other health care related employment.

13 In addition to the above, Respondent shall notify the Board in writing within seventy-two
14 (72) hours after she obtains any nursing or other health care related employment. Respondent
15 shall notify the Board in writing within seventy-two (72) hours after she is terminated or
16 separated, regardless of cause, from any nursing, or other health care related employment with a
17 full explanation of the circumstances surrounding the termination or separation.

18 **8. Supervision.** Respondent shall obtain prior approval from the Board regarding
19 Respondent's level of supervision and/or collaboration before commencing or continuing any
20 employment as a registered nurse, or education and training that includes patient care.

21 Respondent shall practice only under the direct supervision of a registered nurse in good
22 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods
23 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are
24 approved.

25 Respondent's level of supervision and/or collaboration may include, but is not limited to the
26 following:

27 (a) Maximum - The individual providing supervision and/or collaboration is present in
28 the patient care area or in any other work setting at all times.

1 (b) Moderate - The individual providing supervision and/or collaboration is in the patient
2 care unit or in any other work setting at least half the hours Respondent works.

3 (c) Minimum - The individual providing supervision and/or collaboration has person-to-
4 person communication with Respondent at least twice during each shift worked.

5 (d) Home Health Care - If Respondent is approved to work in the home health care
6 setting, the individual providing supervision and/or collaboration shall have person-to-person
7 communication with Respondent as required by the Board each work day. Respondent shall
8 maintain telephone or other telecommunication contact with the individual providing supervision
9 and/or collaboration as required by the Board during each work day. The individual providing
10 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to
11 patients' homes visited by Respondent with or without Respondent present.

12 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any
13 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,
14 or for an in-house nursing pool.

15 Respondent shall not work for a licensed home health agency as a visiting nurse unless the
16 registered nursing supervision and other protections for home visits have been approved by the
17 Board. Respondent shall not work in any other registered nursing occupation where home visits
18 are required.

19 Respondent shall not work in any health care setting as a supervisor of registered nurses.
20 The Board may additionally restrict Respondent from supervising licensed vocational nurses
21 and/or unlicensed assistive personnel on a case-by-case basis.

22 Respondent shall not work as a faculty member in an approved school of nursing or as an
23 instructor in a Board approved continuing education program.

24 Respondent shall work only on a regularly assigned, identified and predetermined
25 worksite(s) and shall not work in a float capacity.

26 If Respondent is working or intends to work in excess of 40 hours per week, the Board may
27 request documentation to determine whether there should be restrictions on the hours of work.
28

1 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and
2 successfully complete a course(s) relevant to the practice of registered nursing no later than six
3 months prior to the end of her probationary term.

4 Respondent shall obtain prior approval from the Board before enrolling in the course(s).
5 Respondent shall submit to the Board the original transcripts or certificates of completion for the
6 above required course(s). The Board shall return the original documents to Respondent after
7 photocopying them for its records.

8 11. **Cost Recovery.** Respondent shall pay to the Board costs associated with its
9 investigation and enforcement pursuant to Business and Professions Code section 125.3 in the
10 amount of \$6,312.80. Respondent shall be permitted to pay these costs in a payment plan
11 approved by the Board, with payments to be completed no later than three months prior to the end
12 of the probation term.

13 If Respondent has not complied with this condition during the probationary term, and
14 Respondent has presented sufficient documentation of her good faith efforts to comply with this
15 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an
16 extension of Respondent's probation period up to one year without further hearing in order to
17 comply with this condition. During the one year extension, all original conditions of probation
18 will apply.

19 12. **Violation of Probation.** If Respondent violates the conditions of her probation, the
20 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order
21 and impose the stayed discipline (revocation/suspension) of Respondent's license.

22 If during the period of probation, an accusation or petition to revoke probation has been
23 filed against Respondent's license or the Attorney General's Office has been requested to prepare
24 an accusation or petition to revoke probation against Respondent's license, the probationary
25 period shall automatically be extended and shall not expire until the accusation or petition has
26 been acted upon by the Board.

27 13. **License Surrender.** During Respondent's term of probation, if she ceases practicing
28 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,

Respondent may surrender her license to the Board. The Board reserves the right to evaluate Respondent's request and to exercise its discretion whether to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances, without further hearing. Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be subject to the conditions of probation.

Surrender of Respondent's license shall be considered a disciplinary action and shall become a part of Respondent's license history with the Board. A registered nurse whose license has been surrendered may petition the Board for reinstatement no sooner than the following minimum periods from the effective date of the disciplinary decision:

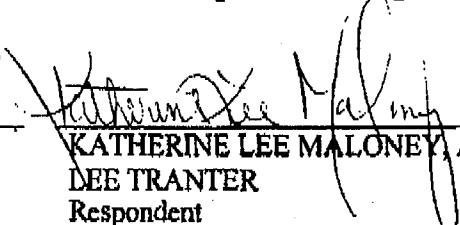
(1) Two years for reinstatement of a license that was surrendered for any reason other than a mental or physical illness; or

(2) One year for a license surrendered for a mental or physical illness.

ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Registered Nurse License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Registered Nursing.

DATED: 11/13/2012


KATHERINE LEE MALONEY, AKA KATHERINE
DEE TRANTER
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

Dated: 11/13/2012

Respectfully submitted,

KAMALA D. HARRIS
Attorney General of California
JAMES M. LEDAKIS
Supervising Deputy Attorney General



NICOLE R. TRAMA
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 2012-722

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2 JAMES M. LEDAKIS
Supervising Deputy Attorney General
3 NICOLE R. TRAMA
Deputy Attorney General
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Attorneys for Complainant

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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
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11 In the Matter of the Accusation Against:

Case No. **2012-722**

12 **KATHERINE LEE MALONEY,**
13 **AKA KATHERINE LEE TRANTER**
14 **1380 Chaney Street**
El Cajon, CA 92020

A C C U S A T I O N

15 **Registered Nurse License No. 572927**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
22 of Consumer Affairs.

23 2. On or about October 13, 2000, the Board of Registered Nursing issued Registered
24 Nurse License Number 572927 to Katherine Lee Maloney aka Katherine Lee Tranter
25 (Respondent). The Registered Nurse License was in full force and effect at all times relevant to
26 the charges brought herein and will expire on December 31, 2013, unless renewed.
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1 9. Title 16, California Code of Regulations, section 1443, provides:

2 As used in Section 2761 of the code, "incompetence" means the lack of
3 possession of or the failure to exercise that degree of learning, skill, care and
4 experience ordinarily possessed and exercised by a competent registered nurse as
described in Section 1443.5.

5 10. Title 16, California Code of Regulations, section 1443.5, provides:

6 A registered nurse shall be considered to be competent when he/she
7 consistently demonstrates the ability to transfer scientific knowledge from social,
biological and physical sciences in applying the nursing process, as follows:

8 (1) Formulates a nursing diagnosis through observation of the client's
9 physical condition and behavior, and through interpretation of information
obtained from the client and others, including the health team.

10 (2) Formulates a care plan, in collaboration with the client, which ensures
11 that direct and indirect nursing care services provide for the client's safety,
12 comfort, hygiene, and protection, and for disease prevention and restorative
measures.

13 (3) Performs skills essential to the kind of nursing action to be taken,
14 explains the health treatment to the client and family and teaches the client
and family how to care for the client's health needs.

15 (4) Delegates tasks to subordinates based on the legal scopes of practice of
16 the subordinates and on the preparation and capability needed in the tasks to
17 be delegated, and effectively supervises nursing care being given by
subordinates.

18 (5) Evaluates the effectiveness of the care plan through observation of the
19 client's physical condition and behavior, signs and symptoms of illness, and
20 reactions to treatment and through communication with the client and health
team members, and modifies the plan as needed.

21 (6) Acts as the client's advocate, as circumstances require, by initiating
22 action to improve health care or to change decisions or activities which are
23 against the interests or wishes of the client, and by giving the client the
opportunity to make informed decisions about health care before it is
24 provided.

25 COST RECOVERY

26 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
27 administrative law judge to direct a licensee found to have committed a violation or violations of
28

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FACTUAL ALLEGATIONS**

4 12. Respondent was employed as a registered nurse at Alvarado Hospital Medical Center
5 (Alvarado Hospital), in San Diego, California from October 2000 to February 2011. During the
6 course of her employment, Respondent worked in several different departments at Alvarado
7 Hospital. In or around January 2011, Respondent was transferred from the Same Day Surgery
8 unit to the Cath Lab at Alvarado Hospital.

9 13. On or about January 31, 2011, Respondent was asked by her preceptor in the Cath
10 Lab to document her patient's post sedation vital signs. Respondent stated that she would and
11 then asked her preceptor to "step back," however Respondent failed to document every 5 minute
12 vital signs on her patient during a 60 minute recovery after conscious sedation. Respondent's
13 failure to document was a violation of Alvarado Hospital's policies and procedures.

14 14. On or about February 2, 2011, a licensed care giver (LCG) reported to the Cath Lab
15 Manager that Respondent had pre-charted pedal pulses on a patient with peripheral artery disease,
16 before she had actually assessed them. The LCG confronted Respondent and asked her if she
17 documented the post-procedure pulses, which Respondent admitted that she had. The LCG
18 stated, "you didn't check them?" which Respondent responded, "I was going to." The LCG
19 stated, "you can't do that! You can't assume they are the same. It's especially important in a
20 peripheral case." Pre-charting is a violation of Alvarado Hospital's policies and procedures. On
21 February 3, 2011, Respondent was placed on administrative leave while Alvarado Hospital
22 conducted an internal investigation.

23 15. On or about February 4, 2011, Respondent was interviewed about the February 2,
24 2011 incident by the department director, in the presence of a union representative and human
25 resources representative. Respondent stated that she had used her "clinical judgment when
26 documenting the post-procedure pulses," and that she "didn't think anything would change with
27 his pulses since they didn't put stents in." Respondent stated that she documented the post
28 procedures pulses in a "stressful situation."

1 recovery after conscious sedation on January 31, 2011 and pre-charted pedal pulses on a patient
2 before she had actually assessed them on February 2, 2011, both violations of Alvarado
3 Hospital's policies and procedures, as is set forth in paragraphs 12 through 16 above, which are
4 incorporated herein as though set forth in full.

5 **PRAYER**

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 572927, issued to
9 Katherine Lee Maloney, aka Katherine Lee Tranter;

10 2. Ordering Katherine Lee Maloney to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
12 Professions Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.
14
15

16 DATED: June 1, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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